

**REMARKS**

Claims 1, 4, 8-10, 15, 33-36, 40, 44, 49, and 54-59 are pending in this application. Claims 1 and 33-36 are independent claims. Claims 55-59 are added. Claims 1, 8, and 33-36 are amended. Claims 2-3, 5-7, 11-14, 16-32, 37-39, 41-43, 45-48, and 50-53 were previously cancelled.

**Examiner Interview**

The Applicants thank the Examiner for the interview conducted on November 25, 2009. The Applicants have also reviewed and agree with the Interview Summary, dated December 10, 2009, prepared by the Examiner.

In short, the Applicants representative and the Examiner discussed the differences between the art cited in the October 5, 2009 Office Action and the claims. For example, during the interview, the Applicants' representative and the Examiner discussed whether or not U.S. 2002/0145702 (hereinafter "Kato") disclosed a "start time of the audio data using the at least one sub-playitem being independent from the still picture units using the at least one playitem," as recited in claim 1. During the interview, the Examiner asserted that Kato's "TableOfPlaylists" may include multiple independent "playlists" at least one of which may include subplayitems for controlling audio data. The Examiner further argued the audio data controlled by the playlist including a subplayitem that controls audio data is independent from the still pictures units controlled by another playlist. Accordingly, the Examiner maintained, under a broadest reasonable interpretation standard, that Kato discloses "start time of the audio data using the at least one sub-playitem being independent from the still picture units using the at least one playitem," as recited in claim 1.

During the interview, the Applicants also argued that Yoshimura does not disclose, at least, “the still picture and associated graphic data in the still picture units being reproduced synchronously,” as recited in claim 1. The Applicant’s representative argued that the cited portions of Yoshimura’s disclosure appear to only teach a data structure rather than a relationship for reproducing Yoshimura’s video, audio, and sub-picture information. The Examiner, however, disagreed and asserted that the above features are disclosed by Yoshimura.

**Claim Rejections – 35 U.S.C. § 101**

Claims 33 and 34 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The Applicants respectfully traverse.

According to the Examiner, a 35 U.S.C. § 101 process must: 1) be tied to a particular machine; or 2) transform underlying subject matter to a different state or thing. The Examiner further asserts that claims 33 and 34 are non-statutory alleging they are not tied to a particular machine nor do they identify a material that is being changed to a different state. Although the Applicants do not necessarily agree with the Examiner on this point, to advance prosecution, the Applicants have amended claims 33 and 34 to overcome the Examiner’s objections. For example, claim 33 is amended to recite, *inter alia*, “recording by a recording device a first stream file...” and claim 34 is amended to recite, *inter alia*, “reproducing by a reproducing device a first stream file...” As amended, the Applicants submit the elements of claims 33 and 34 are clearly tied to a particular machine, accordingly, the Applicants submit claims 33 and 34 satisfy the requirements under 35 U.S.C. § 101.

For at least the reasons presented above, the Applicants respectfully request the objections to claims 33 and 34 be withdrawn.

**Claim Rejections – 35 U.S.C. § 103**

Claims 1, 4, 8-10, 15, 33, 34, 40, and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,122,436 to Okada et al. ("Okada"), U.S. Patent Publication 2002/0145702 to Kato et al. ("Kato") and U.S. Patent 6,157,769 to Yoshimura et al. ("Yoshimura"). The Applicants respectfully traverse.

On page 6 of the Office Action, the Examiner asserts the "playitem" recited in claim 1 reads on one of Kato's playlists and the "sub-playitem" recited in claim 1 reads on another of Kato's playlists. However, the Applicants direct the Examiner to paragraph [0252] of Kato's disclosure which clearly teaches:

The Real PlayList, containing the list of the PlayItem, must not contain SubPlayItem. The Virtual PlayList contains the PlayItem list and, if the CPI\_type contained in the PlayList( ) is the EP\_map type and the PlayList\_type is 0 (PlayList containing video and audio), the Virtual PlayList may contain one SubPlayItem. In the PlayList( ) in the present embodiment, the SubPlayItem is used only for audio post recording. The number of the SubPlayItems owned by one Virtual PlayList must be 0 or 1.

Accordingly, the Applicants note that when audio data is reproduced, it is always reproduced with presentation data. Therefore, the Applicants submit Kato cannot be relied on for disclosing, at least, "a data area storing a first stream file including presentation data and a second stream file including **audio data for reproduction with the presentation data asynchronously**," as recited in claim 1.

The Applicants have studied the Yoshimura and Okada references and cannot find "a data area storing a first stream file including presentation data and a second stream file including **audio data for reproduction with the presentation data**

**asynchronously**,” as recited in claim 1, disclosed therein. Accordingly, the Applicants submit neither Yoshimura nor Okada disclose the instant feature.

Because none of Okada, Kato, and Yoshimura teach, suggest, or disclose, at least, “a data area storing a first stream file including presentation data and a second stream file including **audio data for reproduction with the presentation data asynchronously**,” as recited in claim 1, the Applicants submit the combination of Okada, Kato, and Yoshimura cannot be relied on for rendering claim 1 obvious.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 1, and all claims which depend thereon, under 35 U.S.C. § 103 as being obvious over the combination of Okada, Kato, and Yoshimura be withdrawn.

For somewhat similar reasons, the Applicants respectfully request the rejection of claims 33 and 34, and all claims which depend thereon, under 35 U.S.C. § 103 as being obvious over the combination of Okada, Kato, and Yoshimura be withdrawn.

Claims 35, 36, 49, and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada, Kato, and Yoshimura as applied to claims 1, 4, 8-10, 15, 33, 34, 40, and 44, and further in view of U.S. Patent Publication 2004/0141436 to Monaghan (“Monaghan”). Applicants respectfully traverse this rejection.

For the reasons set forth above, the Applicants submit the combination of Okada, Kato, and Yoshimura do not disclose, at least, “a data area storing a first stream file including presentation data and a second stream file including **audio data for reproduction with the presentation data asynchronously**,” as recited in claims 35 and 36. The Applicants further submit that Monaghan likewise fails to disclose the instant feature. Accordingly, the Applicants submit that even if one skilled in the art did combine Okada, Kato, and Yoshimura with Monaghan, the combination would not

disclose the “a data area storing a first stream file including presentation data and a second stream file including audio data for reproduction with the presentation data asynchronously,” as recited in claims 35 and 36. Accordingly, the Applicants submit the combination of Okada, Kato, and Yoshimura with Monaghan cannot be relied on for rendering either claims 35 or 36 obvious.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 1, and all claims which depend thereon, under 35 U.S.C. § 103 as being obvious over the combination of Okada, Kato, Yoshimura, and Monaghan be withdrawn.

#### **New Claims**

Claims 55-59 are new and are believed to be allowable at least by virtue of their dependencies on their respective base claims. With respect to claim 59, the Applicants note that because the Examiner reads the “playlist” recited in the claims on the TableOfPlayLists() illustrated in FIG. 21 of Kato, Kato fails to disclose a directory which includes “a playlist directory including only the playlist files.”

**CONCLUSION**

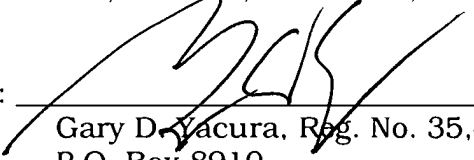
In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By:   
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Gary D. Yacura, Reg. No. 35,416  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

GDY/DMB:eaf